REMARKS

Claims 1-21 are pending. Claims 6-8 and 10-16 have been allowed, and claims 2-5, 9, and 17-19 have been indicated as being allowable if rewritten in independent form.

On page 2 of the Office Action, claim 1 was rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Pat. No. 5,584,023 (Hsu).

Hsu is directed to a file extension system, such as a secure file encryption system. According to Hsu, the system is provided transparently within an environment of multi-user and inter-networked computer operating systems. According to Hsu, its system includes a file extension mechanism, a file storage subsystem for storing a file composed of one or more blocks of data, a data storage subsystem for storing blocks of data in first and second logical data areas, and a processor. *See* Hsu, column 3, lines 19-30.

Hsu describes a "chmod" system call procedure in which if a group mode bit of a file was originally "on" and was then set to "off," the data blocks of the file are allegedly successively read in to a kernel space buffer and encrypted according to the process described in FIG. 4c. *See* Hsu, column 16, line 66 – column 17, line 9.

Applicants respectfully submit that claim 1 is not anticipated by Hsu, as Hsu fails to teach a, "control section perform[ing] processing *based on the content of non-encrypted data received from said input operation section* and at the same time sends encrypted data received from said input operation section to a device having a decryption function" [emphasis added].

In contrast to the present invention, Hsu does not disclose non-encrypted data to be processed. Hsu clearly states that the data blocks of the file are successively read in to a kernel space buffer, thereby encrypting the data. Therefore, in Hsu, processing based on the content of non-encrypted data does not occur, as the data is simply encrypted.

Moreover, Hsu does not teach a control section that sends encrypted data at the same time that the processing based on the content of the non-encrypted data occurs. Hsu clearly states that a determination is made as to whether the file is to be encrypted *or* decrypted. Therefore, in Hsu, encrypted data is not sent at the same time that processing based on the content of the non-encrypted data occurs.

In light of the foregoing, Applicants respectfully submit that claim 1 is patentable over Hsu, as Hsu does not disclose the above-identified feature of the present invention, as defined

by claim 1.

On page 2 of the Office Action, claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hsu as applied to claim 1 and further in view of the Examiner taking official notice.

The Examiner states that he is taking Official Notice that, "often it is required for a user to furnish information such as PIN [sic], a credit card identification and an encryption/decryption key." The Examiner further asserts that it would have been obvious to anyone having an ordinary level of skill in the art at the time the invention was made to have modified the invention of Hsu to include the above-identified features.

The Applicant respectfully traverses the Examiner's statements and respectfully demands that the Examiner produce authority for the statement. The Applicant specifically points out the following errors in the Examiner's action.

As explained in M.P.E.P. § 2144.03(E), when Official Notice is taken:

> any facts so noticed should . . . serve only to 'fill in the gaps' in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

Applicants respectfully submit that the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the features of the claims are not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, the features are unique to the present invention. *See* M.P.E.P. § 2144.03(A) (the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute").

There is no evidence supporting the Examiner's assertion. *See* M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Moreover, as dependent claims 20 and 21 depend from independent claim 1, the dependent claims are patentable over the references for at least the reasons presented above for independent claim 1.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is

requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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